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CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF BUTTE

**THE PEOPLE OF THE STATE OF  
CALIFORNIA, EX. REL. XAVIER  
BECERRA, ATTORNEY GENERAL OF  
THE STATE OF CALIFORNIA,**

Plaintiff,

**v.**

**OROVILLE CITY ELEMENTARY  
SCHOOL DISTRICT,**

Defendant.

Case No.

**STIPULATION FOR ENTRY OF FINAL  
JUDGMENT**

1 Plaintiff, the People of the State of California, by and through its attorney, Xavier Becerra,  
2 Attorney General of the State of California (the Attorney General), and by Deputy Attorney  
3 General Laura Faer, and Defendant Oroville City Elementary School District (the District),  
4 appearing through its attorneys at Girard, Edwards, Stevens, and Tucker LLP and by Eric Stevens  
5 stipulate as follows:

6 1. This Court has jurisdiction of the subject matter hereof and the parties to this  
7 Stipulation for Entry of Final Judgment (Stipulation).

8 2. The Final Judgment (Judgment), a true and correct copy of which is attached  
9 hereto as Exhibit 1, may be entered by any judge of the superior court.

10 3. The Attorney General may submit the Judgment to any judge of the superior court  
11 for approval and signature, based on this Stipulation, during the Court's ex parte calendar or on  
12 any other ex parte basis, without notice to or any appearance by the District, which notice and  
13 right to appear the District hereby waives.

14 4. The parties hereby waive their right to move for a new trial or otherwise seek to  
15 set aside the Judgment through any collateral attack, and further waive their right to appeal from  
16 the Judgment, except the parties agree that this Court shall retain jurisdiction for the purposes  
17 specified in the Judgment.

18 5. The parties jointly represent that they have worked cooperatively to come to an  
19 agreement as set forth in the Judgment.

20 6. The parties have stipulated and consented to the entry of the Judgment without the  
21 taking of proof and without trial or adjudication of any fact or law herein, without the Judgment  
22 constituting evidence of or an admission by the District regarding any issue of law or fact alleged  
23 in the Complaint on file herein, and without the District admitting any liability regarding  
24 allegations of violations that occurred prior to the entry of the Judgment.

25 7. The District will accept service of any Notice of Entry of Judgment entered in this  
26 action by delivery of such notice by electronic mail to its counsel of record, and agrees that  
27 service of the Notice of Entry of Judgment will be deemed personal service upon it for all  
28 purposes.

1           8.       The individuals signing below represent that they have been authorized by the  
2 parties they represent to sign this Stipulation.

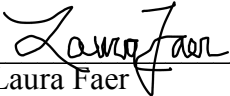
3           9.       This Stipulation may be executed in counterparts, and the parties agree that a  
4 facsimile signature shall be deemed to be, and shall have the full force and effect as, an original  
5 signature.

6  
7                               [SIGNATURES ON FOLLOWING PAGE]  
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1 **PLAINTIFF THE STATE OF CALIFORNIA**

2 XAVIER BECERRA  
3 Attorney General of California

4  
5 DATED: July 28, 2020

6   
7 Laura Faer  
8 Deputy Attorney General  
9 *Attorneys for Plaintiff*

10 **DEFENDANT OROVILLE CITY**  
11 **ELEMENTARY SCHOOL DISTRICT**

12 OROVILLE CITY ELEMENTARY  
13 SCHOOL DISTRICT

14 DATED: \_\_\_\_\_

15 \_\_\_\_\_  
16 Spencer Holtom  
17 Superintendent

18 Approved as to Form:

19 DATED: \_\_\_\_\_

20 \_\_\_\_\_  
21 Eric Stevens  
22 GIRARD, EDWARDS, STEVENS &  
23 TUCKER LLP  
24 *Attorneys for Defendant*

1 **PLAINTIFF THE STATE OF CALIFORNIA**

2 XAVIER BECERRA  
3 Attorney General of California  
4

5 DATED: \_\_\_\_\_

6 Laura Faer  
7 Deputy Attorney General  
8 *Attorneys for Plaintiff*

8 **DEFENDANT OROVILLE CITY**  
9 **ELEMENTARY SCHOOL DISTRICT**

10 OROVILLE CITY ELEMENTARY SCHOOL DISTRICT  
11

12  
13 DATED: 7.28.20

14   
15 \_\_\_\_\_  
16 Spencer Holtom  
17 Superintendent

18 Approved as to Form:  
19

20 DATED: \_\_\_\_\_

21 Eric Stevens  
22 GIRARD, EDWARDS, STEVENS &  
23 TUCKER LLP  
24 *Attorneys for Defendant*  
25  
26  
27  
28

1 **PLAINTIFF THE STATE OF CALIFORNIA**

2 XAVIER BECERRA  
3 Attorney General of California

4  
5 DATED: \_\_\_\_\_

6 \_\_\_\_\_  
7 Laura Faer  
8 Deputy Attorney General  
9 *Attorneys for Plaintiff*

10 **DEFENDANT OROVILLE CITY**  
11 **ELEMENTARY SCHOOL DISTRICT**

12 OROVILLE CITY ELEMENTARY  
13 SCHOOL DISTRICT

14 DATED: \_\_\_\_\_

15 \_\_\_\_\_  
16 Spencer Holtom  
17 Superintendent

18 Approved as to Form:

19 DATED: 7/28/2020

20 

21 Eric Stevens  
22 GIRARD, EDWARDS, STEVENS &  
23 TUCKER LLP  
24 *Attorneys for Defendant*

## Exhibit 1

1 XAVIER BECERRA  
Attorney General of California  
2 MICHAEL L. NEWMAN  
Senior Assistant Attorney General  
3 SARAH E. BELTON  
Supervising Deputy Attorney General  
4 LAURA FAER (SBN 233846)  
GARRETT LINDSEY (SBN 293456)  
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8 E-mail: Laura.Faer@doj.ca.gov  
*Attorneys for The People of the State Of California*  
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF BUTTE

12  
13 **THE PEOPLE OF THE STATE OF**  
14 **CALIFORNIA, EX. REL. XAVIER**  
15 **BECCERRA, ATTORNEY GENERAL OF**  
**THE STATE OF CALIFORNIA,**

Plaintiff,

16 v.

17 **OROVILLE CITY ELEMENTARY**  
18 **SCHOOL DISTRICT,**

19 Defendant.

Case No.

**[PROPOSED] FINAL JUDGMENT**



1 The People of the State of California (the People), by and through the Attorney General,  
2 and the Oroville City Elementary School District (the District) share a mutual interest in ensuring  
3 the District's education policies and practices comply with state law. The Attorney General  
4 acknowledges that the District cooperated with the Attorney General's investigation and that the  
5 District is committed to fulfilling the terms of this Judgment. The Attorney General also  
6 acknowledges that the District is committed to complying with the California Department of  
7 Education's oversight monitoring and compliance requirements to address significant  
8 disproportionality for students with disabilities.

9 The People and the District, having stipulated to the entry of this Judgment by the Court  
10 without the taking of proof and without trial or adjudication of any fact or law, without this  
11 Judgment constituting evidence of or admission by the District regarding any issue of law or fact  
12 alleged in the People's Complaint for Injunctive Relief (Complaint) on file or any of the  
13 allegations or conclusions set forth herein, and without the District admitting any liability, and  
14 with all parties having waived their right to appeal, and the Court having considered the matter  
15 and good cause appearing,

16 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

17 This Court has jurisdiction over the allegations and subject matter of the People's  
18 Complaint filed in this action, and the parties to this action; venue is proper in this county; and  
19 this Court has jurisdiction to enter this Judgment.

20 **INJUNCTION**

21 The District is permanently enjoined from violating any law or regulation, including the  
22 causes of action set forth in the People's Complaint. During the minimum five-year term of this  
23 Judgment, as specified in Section VI, the District shall carry out the following affirmative  
24 corrective actions:

25 **I. EDUCATION MONITOR**

26 1. This Judgment will be overseen by an education monitor (Monitor) selected by the  
27 Parties and approved by the Attorney General's office who will be provided timely access to  
28 information and documents to ensure compliance with this Judgment and whose reasonable costs

1 and expenses will be paid by the District. The Monitor that the Parties have selected is Jessica  
2 Swain-Bradway, Ph.D. The Monitor will: (a) provide technical assistance and support to the  
3 District to help it achieve timely compliance; (b) review and approve all of the policies,  
4 procedures, practices, programs, and training providers and materials required by the substantive  
5 provisions herein; and (c) assess the District's compliance in accordance with Sections VI and  
6 VIII of this Judgment.

7 2. If at any time the Monitor is no longer able to serve, he or she will inform the  
8 Parties in writing as soon as possible prior to ending services. Within 14 calendar days of  
9 receiving notice, the Parties will meet and confer regarding a replacement. The replacement will  
10 be selected with the approval of the Attorney General's office no later than 60 calendar days after  
11 written notice is received, or as extended by agreement of the Parties. If a Party objects, the  
12 Parties will engage in the dispute resolution process described in Section VIII of this Judgment.

## 13 **II. POLICIES, PROCEDURES, PRACTICES, AND TRAINING**

14 3. Within 15 days of the effective date of this Judgment, the District will discuss and  
15 adopt a statement of principles that will guide implementation. The principles will include that  
16 the District's goal is to ensure that each of the District schools treat students fairly and equitably,  
17 are safe, and maintain an environment conducive to learning. To reach that goal, the District is  
18 committed to: (a) nondiscrimination in discipline consistent with state and federal law; (b)  
19 treating all of its students fairly and equitably in the administration of discipline, without regard  
20 to any protected characteristic or category; (c) ensuring consistent and equitable implementation  
21 of research-based alternatives to punitive discipline and to using exclusionary discipline as a last  
22 resort after exhaustion of alternatives; (d) working with students who exhibit behavior issues to  
23 ensure that students remain engaged in the District's educational program and are given every  
24 opportunity to reach their potential; and (e) taking effective and prompt steps to prevent,  
25 eliminate, and remedy the effects of harassment on students based on any protected characteristic  
26 or category.

27 4. Within 90 days of the effective date of this Judgment, the District will appoint or  
28 hire a Supportive School Climate Director approved by the Monitor and the Attorney General's

1 office who reports directly to the Superintendent and is responsible for overseeing internal  
2 District implementation of key aspects of this Judgment, including but not limited to training,  
3 development of the Culturally-Responsive system of Positive Behavior Intervention and Support  
4 set forth in paragraph 6, evaluation, implementation, and addressing any complaints regarding  
5 discrimination or harassment in District schools. The Supportive School Climate Director will  
6 have demonstrated academic and practice experience in K-8 school discipline data analysis,  
7 research-based alternatives to exclusion discipline strategies, such as Culturally-Responsive  
8 Positive Behavior Interventions and Supports (CR-PBIS) and restorative justice, reducing  
9 disproportionate discipline and improving academic outcomes for African-American and Native  
10 American students and students with disabilities, stakeholder involvement, preventing and  
11 effectively responding to harassment of students, and creating positive, welcoming environments  
12 for all students. The District will publish the Director's name and/or title, office and email  
13 address, and telephone number on its website, in all school publications, and all relevant notices  
14 to parents.

15         5. Within 60 days of the effective date of this Judgment, the District will provide, for  
16 review and approval by both the Monitor and the Attorney General's office, revised Board  
17 Policies, Administrative Regulations, and any annual Discipline Procedure/Plan (District policies)  
18 covering discipline, nondiscrimination in discipline, and students with disabilities, and for review  
19 and approval by the Attorney General's office, revised Board Policies and Administrative  
20 Regulations covering discrimination and harassment, retaliation, intimidation, and bullying, and  
21 annual notices to staff, parents, and guardians regarding the same that are internally consistent  
22 and compliant with state law and this Judgment. The revised District policies will also address  
23 existing different treatment and disproportionality in discipline and set forth the steps the District  
24 will take to consistently and effectively implement a range of other means of correction consistent  
25 with state law, including the statutory list of other means of correction, and those listed in this  
26 Judgment. Within 30 days of receiving approval of the District policies and notice from the  
27 Attorney General's office, the District will distribute a notice by e-mail to all staff, parents, and  
28 guardians regarding the revised policies with a link to access the policies on the District's

1 website. The policies will remain on the District's website while this Judgment remains in effect.  
2 Any further revisions to the District's policies and notices made while this Judgment remains in  
3 effect will be provided to the Monitor and Attorney General's office for review and approval.

4 6. Within 90 days of the effective date of this Judgment, the District will develop a  
5 plan for full implementation within three years of CR-PBIS, which will include a social-  
6 emotional learning curriculum, restorative and trauma-informed practices, and conflict resolution  
7 in tiers one and two; the specific plan for assessing, maintaining, and increasing mental health,  
8 social work, and counseling services and staff trained to provide trauma-informed services by  
9 increasing partnerships with outside entities and agencies, staffing allocations, training for  
10 existing staff, and supplemental and concentration funding to support tier three interventions and  
11 to provide early access to services for students identified as needing support; and the methods by  
12 which students in need of tier three interventions will be referred, assessed, and supported. As  
13 part of the CR-PBIS plan, the District will create or revise existing school-site teams to include  
14 students/student input, parents and guardians, teachers, special education teachers, counselors,  
15 classified security/campus monitors, and school-site administration. In creating this plan, the  
16 District will assess how to ensure consistent use of the School-Wide Information System platform  
17 across the District's schools to help track and understand behavior patterns, disproportionality,  
18 and effectiveness of resolutions.

19 7. Within 90 days of the effective date of this Judgment, the District, in consultation  
20 with the Monitor, will develop a physical and emotional safety plan at each school-site that  
21 addresses: (a) unsupervised areas and areas where incidents are occurring or may occur; (b)  
22 staffing needed for implementation; and (c) a teaching and coaching plan to include campus  
23 security and safety staff to explicitly teach students safe ways to play and to build positive  
24 conflict resolution skills for common playground disagreements.

25 8. Within 90 days of the effective date of this Judgment and on or before August 15  
26 of each year thereafter while this Judgment is in effect, the District will provide to the Monitor  
27 and the Attorney General's office for review and approval the annual all-staff training schedule  
28 and proposed independent trainer, which may include the Monitor, for multiple mandatory all-

1 staff trainings each school year and ongoing coaching and support regarding: (a) implementation  
2 of the culturally responsive tiered system of CR-PBIS; (b) nondiscrimination in discipline, equity,  
3 and equitable decision-making; (c) bias, including explicit and implicit bias, and individual and  
4 system-wide strategies to address both; (d) how to implement conflict resolution and de-  
5 escalation techniques, restorative practices, and non-violent communication in class and school-  
6 wide; (e) integration of trauma-informed strategies and practices; (f) responsibilities and duties  
7 regarding oral and written reports and complaints of discrimination, harassment, retaliation, and  
8 intimidation; and (g) implementation of social-emotional learning curriculum. The term staff  
9 includes any campus security, law enforcement, or school resource officer(s) who provide  
10 services to the District pursuant to a contract or memorandum of understanding for which funding  
11 is provided by the District. The District may provide the trainings itself in year three and  
12 thereafter, to the extent the Monitor approves of the internal trainers proposed by the District.

13         9. On or before October 1 of each year that this Judgment is in effect, the District will  
14 provide support and training for teachers to co-develop, with their students, positive expectations  
15 for school and classroom behavior and achievement, and strategies for building community and  
16 resolving conflicts consistent with the CR-PBIS framework. Within 90 days of the effective date  
17 of this Judgment, the District will develop a system for assessing and supporting ongoing  
18 classroom implementation of the aforementioned co-developed positive classroom expectations  
19 and strategies.

20         10. Within 90 days of the effective date of this Judgment, the District will update or  
21 revise its electronic data system to consistently track implementation of other means of  
22 correction, CR-PBIS interventions and supports, and meetings held to review and revise supports  
23 for students prior to suspension, which shall include but not be limited to the range of positive  
24 interventions and supports provided in the revised District policies in paragraph 5 and set forth in  
25 paragraph 6.

26         11. Within 90 days of the effective date of this Judgment, the District will create a  
27 protocol for monthly review of disaggregated District- and school-site-level discipline and  
28 achievement data by District- and school-site level CR-PBIS teams with the purpose of working

1 to timely: (a) address the root causes of discrimination in discipline; (b) consistently implement  
2 other means of correction, review effectiveness, and engage in continuous quality improvement  
3 efforts; and (c) assess whether the District and school are implementing student discipline  
4 policies, practices, and procedures in a nondiscriminatory manner. The aforementioned data shall  
5 include: test scores; annual climate surveys; attendance; class rank, if available; alternatives/other  
6 means of correction; teacher, office, and law enforcement referrals and dispositions related to the  
7 same; suspensions, including in-school and out-of-school suspensions, and days of suspension per  
8 incident; transfers to alternative schools, where applicable, and independent study; and  
9 expulsions. Each of these data elements shall be disaggregated by all of the categories required  
10 by state and federal law, including but not limited to those required for CalPads reporting.

11 12. During each monthly meeting, the CR-PBIS teams will specifically assess whether  
12 students of a particular race, color, national origin, or with a disability[ies] are more likely than  
13 students of other races, colors, national origins, or without a disability[ies] to receive discipline  
14 referral and sanctions, including harsher or longer sanctions, and/or referrals or sanctions for  
15 certain offenses, e.g. defiance and disruption, and/or referrals and sanctions, including harsher or  
16 longer sanctions, from particular teachers or administrators and report on the same. To the extent  
17 a team identifies higher rates of discipline and/or harsher or longer sanctions imposed for students  
18 of a particular race, color, national origin, or with a disability[ies] as described above, the  
19 District and committee will set forth the actions it will take to address the disparities and/or any  
20 different treatment in discipline. To the extent a team identifies higher rates of referrals, harsher,  
21 or longer sanctions issued by a particular staff member(s), the District will provide ongoing  
22 explicit instruction in the areas identified in paragraphs 6 and 7 and student-teacher relationship-  
23 building coaching. Using an appropriate protocol developed for this purpose, an education-staff-  
24 led subset of the CR-PBIS team will develop individualized positive behavior intervention and  
25 support improvement plans (individualized support plan) to provide early intervention to at-risk  
26 students, including those with two or more suspensions in a semester, and students with mental  
27 health, social, emotional, and behavioral needs. In assessing appropriate interventions and  
28 support, the team will also discuss whether a referral for Section 504 or special education is

1 appropriate and, for a student with a Section 504 plan or Individualized Education Program (IEP),  
2 whether to recommend that the District convene a Section 504 or IEP meeting to consider  
3 revisions to the student's Section 504 plan or IEP to address any unique needs or changes in  
4 circumstances.

5 13. On a quarterly basis, each school-site will share the data described in paragraph 11  
6 with school staff as part of a discussion focused on: (a) addressing the root causes of  
7 discrimination in discipline; (b) consistently implementing other means of correction, reviewing  
8 effectiveness, and engaging in continuous quality improvement efforts; and (c) assessing whether  
9 the District and school are implementing student discipline policies, practices, and procedures in a  
10 nondiscriminatory manner.

11 14. Within 60 days of the effective date of this Judgment and while this Judgment is in  
12 effect, the District will provide by November 1, March 1, and June 1 during each school year, the  
13 disaggregated District and school-site level data described in paragraph 11 for review by the  
14 Attorney General's office and Monitor in advance of three regularly scheduled discussions with  
15 the Attorney General's office per school year. The review and discussion will address ongoing  
16 disproportionality and disparities in discipline and progress toward achieving nondiscrimination  
17 in discipline and addressing high rates of exclusionary discipline.

18 15. Two times a year the District will publish the disaggregated District and school-  
19 site level data described on its website while taking any steps needed to de-identify or otherwise  
20 redact data, as required by law, to preserve student privacy.

21 16. Within 90 days of the effective date of this Judgment, the District will establish  
22 and implement a re-entry protocol for students returning from school removals, which will  
23 include a voluntary restorative conversation on the day of return with an individual trained in  
24 restorative practices and CR-PBIS to address conflict and an assessment of any steps and check-  
25 ins needed to prevent and address any behaviors, factors, or conditions that contributed to the  
26 incident leading to suspension.

27 17. Within 90 days of the effective date of this Judgment, the District will: (a) create a  
28 walk-through protocol to assess and provide support for academic instructional practices that

1 focus on student engagement, opportunities for practice and feedback, and cultural relevance; and  
2 (b) develop a plan for implementing the protocol, including a plan for providing additional  
3 training and support to instructors as needed, with a priority on implementation in remedial  
4 classes and the District's middle schools.

5 18. Within 90 days of the effective date of this Judgment, the District will provide its  
6 plan for implementing an integrated social-emotional learning and skills-building curriculum and  
7 group learning for all District middle school students and other students at risk of conflict.

8 19. Within 90 days of the effective date of this Judgment, the District will provide its  
9 plan for implementing a curriculum and social, emotional, and educational support programming  
10 in detention and in-school suspension with the goal of increasing student investment and  
11 engagement in school, developing teacher-student relationships and connections, and improving  
12 educational outcomes.

13 20. Within 90 days of the effective date of this Judgment, the District will provide a  
14 schedule for consistent informational bulletins and notices to be shared with parents, guardians,  
15 and education rights holders, and in-person information sessions to be held at least two times a  
16 year for parents, guardians, and education rights holders that: (a) emphasize the District's  
17 commitment to treating all students fairly and equitably in the administration of discipline without  
18 regard to race, color, national origin, sex, gender, gender identity, disability, religion or foster  
19 youth or homeless status; (b) discuss what is expected of students and staff under the revised  
20 policies and practices; (c) describe the alternative means of correction that will be available and  
21 implemented; (d) explain the law, research, and evidence supporting the steps and practices the  
22 District will be implementing to provide a safe, welcoming, and supportive school environment;  
23 and (e) the ways in which parents, guardians, and education rights holders can partner with the  
24 District to provide a safe, welcoming, and supportive school environment.

25 21. Within 90 days of the effective date of this Judgment, the District will establish a  
26 Supportive School Climate Advisory Committee consisting of parents and students who are  
27 representative of the diverse students attending District schools and members of community  
28 organizations and non-profits who work with and provide supports to students and parents in the



1 area to provide suggestions on improvements to the District's discipline policies, procedures, and  
2 practices, the terms and implementation of substantive provisions in this Judgment, and  
3 communications with parents, students, and the community regarding the same. Within 30 days  
4 of each meeting of the Committee, a written summary of the meeting will be posted on the  
5 District's website and a copy provided to the School Board and the Attorney General's office.  
6 The District Superintendent or designee will review the summaries to identify potential  
7 improvements or modifications to District policies, procedures, and practices. The District will  
8 provide notice of any changes made as a result of the Committee's recommendations to the  
9 Attorney General's office as required by paragraph 5 of this Judgment.

10 22. Within 180 days of the effective date of this Judgment, the District will develop a  
11 plan with timelines and responsible parties for promoting and attempting to increase staff  
12 diversity at District schools. Within 30 days of receiving the Monitor's approval of the plan, the  
13 District will implement and report to the Monitor on its efforts at three regularly scheduled  
14 discussions with the Attorney General's office per school year while this Judgment is in effect.  
15 (See paragraph 14, above.)

### 16 **III. HARASSMENT AND DISCRIMINATION COMPLAINTS**

17 23. Within 30 days of the effective date of this Judgment, the District will provide, for  
18 review and approval by the Attorney General's office, revised policies and procedures for  
19 promptly and effectively addressing reports of harassment and discrimination on the basis of  
20 protected characteristics to comply with state law Uniform Complaint Procedures requirements.  
21 Within 30 days of receiving approval from the Attorney General's office, the District will: (a)  
22 post the policies and procedures on its website; (b) distribute them to parents and guardians; and  
23 (c) provide training to relevant staff.

24 24. Within 30 days of the effective date of this Judgment and by August 15 of every  
25 year thereafter while this Judgment is in effect, the District will develop a schedule for ongoing  
26 training and assemblies for students and staff regarding prohibitions on harassment and bullying,  
27 how to be an ally, and steps for obtaining redress under the District's revised policies and  
28 procedures set forth in paragraph 23.

1           25.     Within 45 days of the effective date of this Judgment, the District will provide a  
2 trusted staff person trained in anti-bias and inclusion strategies to serve as a designated support  
3 person at each school-site for students who are experiencing or who have experienced harassment  
4 and bullying.

5           26.     Within 120 days of the effective date of this Judgment, the District will work with  
6 school leadership and students to create a plan for increasing peer support and affinity clubs  
7 and/or additional support for minority student groups at each school-site.

8           27.     For two years from the effective date of this Judgment, by November 1, March 1,  
9 and June 1 during each school year, the District will provide to the Attorney General's office  
10 copies of written complaints of discrimination, harassment, retaliation, and intimidation and all  
11 completed complaint investigations, and evidence of the District's procedure and practice of  
12 providing written notice by email or other means to parents of their right to file a formal written  
13 complaint when they have verbally complained of discrimination, harassment, retaliation, or  
14 intimidation. The Attorney General's office will review the documents to assess compliance with  
15 the Uniform Complaint Procedures and the requirement to provide a timely, appropriate, and  
16 reasonably effective response. After completing the review, if needed, the Attorney General's  
17 office will provide the District with proposed corrective actions to Uniform Complaint Procedure  
18 processes and a timeline for implementation. To the extent the District disagrees with any  
19 corrective action proposed, the parties will meet and confer for a maximum of 10 business days.  
20 If agreement cannot be reached, either party may exercise the option to file a motion with the  
21 Superior Court for resolution. The Superior Court's decision will be final and binding on the  
22 parties.

23     **IV.     POLICIES, PROCEDURES, AND PRACTICES FOR STUDENTS WITH**  
24           **DISABILITIES**

25           28.     Within 30 days of the effective date of this Judgment and by July 15 of every year  
26 thereafter while this Judgment is in effect, the District will provide, for review and approval by  
27 the Monitor and the Attorney General's office, an annual training plan with timelines, proposed  
28 trainers, and training materials to be used to provide training to all staff on Child Find,

1 manifestation determination meetings, Positive Behavior Intervention Plan creation and  
2 implementation, effective delivery and implementation of specialized instruction and reasonable  
3 accommodations. The District will provide courtesy copies of any and all reports or plans  
4 generated in response to oversight by the California Department of Education for training on  
5 these issues. If the California Department of Education has already approved an annual training  
6 plan, trainers, and training with the same elements and training topics, then the Monitor and  
7 Attorney General's office will accept that the plan overseen by the California Department of  
8 Education is sufficient to meet this provision. To the extent that an annual training plan, trainers,  
9 and training approved by the California Department of Education does not include any element(s)  
10 and/or training topic(s), then the District will provide a supplemental annual training plan that  
11 covers only those element(s) and/or topic(s) for review and approval by the Monitor and Attorney  
12 General's office. The District will provide proof of implementation of the approved training  
13 plan(s) on March 1 and June 1 of each school year while this Judgment is in effect.

14         29. Within 90 days of the effective date of this Judgment, the District will review  
15 and revise Student Success Team and Section 504 protocols and processes to ensure  
16 accommodations are implemented and referrals for evaluation are timely and provide such  
17 revised protocols and processes for review and approval by the Monitor and the Attorney  
18 General's office. Within 90 days of approval by the Monitor and Attorney General's office, the  
19 District will post the protocols and processes on the District's website, distribute to staff, parents,  
20 and guardians, and train relevant staff.

21         30. Within 30 days of the effective date of this Judgment, the District will review and  
22 revise required procedural protection documents to ensure accessibility for parents and guardians  
23 with different reading levels, including a list of free and low-cost advocacy and attorney resources  
24 (e.g., Disability Rights California), and translate all such documents into Spanish and any other  
25 language, as required by law.

26         31. Within 90 days of the effective date of this Judgment, the District will create and  
27 provide for review and approval by the Monitor a plan with District and site-level special  
28 education leadership to: (a) effectively use and consistently implement Functional Behavior

1 Assessments (FBAs) and Behavior Intervention Plans (BIPs) that include proactive and positive  
2 strategies; (b) support teachers and aides with implementation; and (c) establish procedures for  
3 ongoing evaluation of FBAs and BIPs, including effectiveness and timely implementation. If the  
4 California Department of Education has already approved a plan that complies with the  
5 requirements of the previous sentence, then the Attorney General's office will accept that the plan  
6 overseen by the California Department of Education is sufficient to meet this provision. The  
7 District will provide courtesy copies of any reports or plans generated in response to oversight by  
8 the California Department of Education that include these requirements. To the extent that a plan  
9 approved by the California Department of Education does not include any of the aforementioned  
10 requirements, the District will provide a supplemental plan that covers only those requirement(s)  
11 for review and approval by the Attorney General's office. The District will provide proof of  
12 implementation of the approved plan(s) required by this paragraph on March 1 and June 1 of each  
13 school year while this Judgment is in effect.

14 32. Within 60 days of the effective date of this Judgment, the District will either fund  
15 and post two school-site special education and Section 504 liaison positions dedicated to  
16 providing support, training, and assistance to parents of students with disabilities during special  
17 education and Section 504 processes, or implement a plan approved by the Attorney General's  
18 office to provide an equivalent number of monthly hours. At least half of the hours provided,  
19 shall be provided by individuals who are bilingual in Spanish and English and Hmong and  
20 English. Within 90 days of the effective date of this Judgment, the District will develop protocols  
21 and memoranda to be distributed to school sites at least five days prior to start date of the first  
22 liaison and on an annual basis thereafter to help ensure that such liaisons are protected, as  
23 required by law, from any retaliation for their advocacy and support of parents, guardians, and  
24 students with disabilities. While the Judgment is in effect, the District will provide semi-annual  
25 Section 504 and special education rights training from a trainer approved by the Attorney  
26 General's office for the special education liaisons.

27 33. Within 90 days of the effective date of this Judgment and each year thereafter by  
28 August 15, the District will provide a plan for notifying parents through multiple means,

1 including email, automated call system, and postings, of annual training and workshops to parents  
2 of students with disabilities and suspected disabilities available in Oroville City Elementary  
3 School District's coverage area and provided by the Butte County Office of Education to inform  
4 them of their rights in the Individualized Education Program and Section 504 processes. To the  
5 extent the Monitor determines that the trainings provided in a given year are inadequate, the  
6 District will provide a plan for Monitor approval to supplement the trainings provided during that  
7 year(s).

8 **V. TRANSLATION OF DOCUMENTS, INTERPRETATION SERVICES, AND**  
9 **DOCUMENT ACCESSIBILITY**

10 34. On or before August 15 of each year while this Judgment is in effect, the District  
11 will: (a) provide annual notice to parents, guardians, and education rights holders regarding the  
12 availability of translation and interpretation services and the process for requesting translation and  
13 interpretation services from the District or school site; and (b) post the notice in the District  
14 office, on the District's website, and in each school-site office.

15 35. Within 30 days of the effective date of this Judgment, the District will develop  
16 policies and procedures for Attorney General's office review and approval regarding the  
17 provision of translation and interpretation services that are consistent with the annual notice.

18 36. Within 60 days of the effective date of this Judgment, the District will develop a  
19 process for ensuring that Individualized Education Program, school placement, and discipline  
20 documents have been translated into Spanish and any other language, as required by law.

21 37. While this Judgment is in effect, the District will monitor and track requests for  
22 translation and interpretation services and responses to same and provide the Attorney General's  
23 office with the data collected on January 15 and June 15 of each year.

24 38. For any policies, procedures, notices, or other documents created pursuant to this  
25 Judgment that are publicly available, the District will translate the documents into Spanish and  
26 any other language, as required by law.

27 39. The District will ensure that any policies, procedures, notices, or other documents  
28 posted on its website are disability accessible, including PDF documents. For documents

distributed to the public, parents, or students, the District will ensure that documents are provided in disability accessible formats, where necessary for effective communication.

## **VI. TERMINATION OF JUDGMENT**

40. The term of the Judgment is five years, and the Judgment will terminate automatically five years from the effective date, if the District is in substantial compliance with all of the substantive provisions of the Judgment.

41. Within 90 days prior to the termination date, if the Attorney General's office determines that the District has not substantially complied with the substantive provisions of the Judgment, then a meet and confer process, which shall not extend more than 30 days, will be initiated with the District. If the Attorney General's office and the District cannot agree on the length of time that the Judgment shall be extended to allow the District to reach substantial compliance, then, the Attorney General's office may petition the Court for such an extension within 60 days of the close of the meet and confer timeframe. The parties shall be bound by the Superior Court's decision.

## **VII. EARLY TERMINATION OF THE JUDGMENT**

42. Once each during the third and fourth year of operation of the Judgment, as measured from the effective date of the Judgment, the District may request that the Monitor directly provide a written statement to the Attorney General's office certifying whether he or she agrees that the District has (1) fully implemented all of the substantive programs, activities, or reforms of the Judgment, and (2) has been in substantial compliance with all substantive terms of the Judgment for the past two full academic years ("Early Termination Requirements"). If the Monitor provides a statement agreeing the District meets the Early Termination Requirements, within 30 days the Parties will meet and confer at a mutually agreeable time as to the status of compliance.

43. After a reasonable period of consultation and the completion of any additional audit or evaluation that the Attorney General's office and/or the Monitor may wish to undertake to determine whether the District meets the Early Termination Requirements, including on-site observations, document review, or interviews with District officers or personnel, the Attorney

1 General's office will notify the District whether or not it opposes early termination of the  
2 judgment. If the Attorney General's office agrees, then District may petition the Court for Early  
3 Termination, and the Court may terminate the Judgment if the District demonstrates that (1) the  
4 Monitor has certified that the District meets the Early Termination Requirements and (2) the  
5 Attorney General's office does not object.

6 **VIII. CONTINUING COURT JURISDICTION, COMPLIANCE, AND DISPUTE**  
7 **RESOLUTION**

8 44. This Judgment shall take effect immediately upon entry thereof by the Court, and  
9 the date of such entry is the effective date of the Judgment.

10 45. For all of the aforementioned requirements, the District will provide timely proof  
11 of compliance by submitting appropriate documentation or other information within 5 business  
12 days of each deadline or sooner. The Attorney General and his agents, and the Monitor  
13 designated in this Judgment, may make reasonable requests to the District for additional  
14 information demonstrating compliance with any provision(s) of this Judgment. The District shall  
15 furnish such information within 10 business days after the request is made, unless another date is  
16 agreed upon in writing. In addition, the Attorney General and his agents shall have access to  
17 speak with personnel, view documents, and visit the District's schools.

18 46. It is the intent of the parties to work collaboratively to address any potential  
19 violations of this Judgment. If the Attorney General denies, rejects, or objects to any policy, plan,  
20 procedure, protocol, or any other document submitted to the Attorney General's office by the  
21 District as required by this Judgment, the Attorney General shall, within 60 days of the date of the  
22 denial, rejection, or objection advise the District of the Attorney General's position in writing,  
23 and negotiate in good faith to reach a resolution of any dispute. If the parties are unable to reach  
24 an agreement regarding a provision of this Judgment that is subject to approval by the Attorney  
25 General's office, the matter or matters upon which they disagree will be submitted to the Court  
26 for initiation of any further proceedings that the Court may deem at its discretion necessary to  
27 reasonably resolve the matters in dispute.

28 47. The Attorney General and the District may jointly stipulate to make changes,

1 modifications, and amendments to the Judgment for what the parties deem to be material  
2 revisions, which shall be effective after a joint motion is filed by the parties and is granted by the  
3 Court.

4 48. Any time limits for performance imposed by the Judgment may be extended by the  
5 mutual agreement, in writing, of the Attorney General's office and the District, and/or by order of  
6 the Court for good cause shown.

7 49. Jurisdiction is retained by the Court to enforce the Judgment for a period of five  
8 years, unless time is extended pursuant to Section VI or Early Termination is granted pursuant to  
9 paragraph VII, for the purpose of enabling any party to the Judgment to apply to the Court at any  
10 time for such further orders and directions as may be necessary or appropriate for the  
11 interpretation or the carrying out of this Judgment, for the modification of any of the injunctive  
12 provisions hereof, for enforcement of compliance herewith, and for the punishment of violations  
13 hereof, if any.

14 50. Nothing in this Judgment alters the requirements of federal or state law to the  
15 extent these laws may currently, or upon future amendment will, offer greater protection.

16 51. Nothing in this Judgment limits the powers vested in the Attorney General by the  
17 California Constitution and state statutory law, including Government Code section 11180 et seq.,  
18 to oversee or enforce any California laws or regulations, which the Attorney General may use to  
19 monitor the District's compliance with the terms of the Judgment.

20 52. Nothing in this Judgment alters the requirements of the District related to any  
21 previously filed complaints before the District under California Code of Regulations, Title 5,  
22 Division 1, Chapter 5.1.

23 53. If any provision of the Judgment is found unlawful, impossible, unenforceable, or  
24 otherwise invalid on any other grounds by this Court, the Attorney General's office may move the  
25 Court for a modification of the Judgment eliminating that provision or the paragraph of the  
26 agreement in which the provision appears.

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54. The Clerk is ordered to enter this Judgment forthwith.

DATED: \_\_\_\_\_

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JUDGE OF THE SUPERIOR COURT